STATE OF NEW YORK

2069

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to adjournments in contemplation of dismissal in cases involving marihuana

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 170.56 of the criminal procedure law, as added by chapter 1042 of the laws of 1971, is amended to read as follows:

2. Upon ordering the action adjourned in contemplation of dismissal, the court **must release the defendant on his or her own recognizance and** must set and specify such conditions for the adjournment as may be appropriate[~~, and such~~]**. Such** conditions may include placing the defendant under the supervision of any public or private agency. At any time prior to dismissal the court may modify the conditions or extend or reduce the term of the adjournment, except that the total period of adjournment shall not exceed twelve months. Upon violation of any condition fixed by the court, the court may revoke its order and restore the case to the calendar and the prosecution thereupon must proceed. If the case is not so restored to the calendar during the period fixed by the court, the accusatory instrument is, at the expiration of such period, deemed to have been dismissed in the furtherance of justice.

§ 2. This act shall take effect on the thirtieth day next succeeding the date on which it shall have become a law and shall apply to all adjournments in contemplation of dismissal ordered on and after such date.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

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